

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Application of)	
Paxson Spokane License, Inc.)	MM Docket No. 03-15
KGPX(TV), Spokane, WA)	
)	File No. BFRECT-20050210AWF
Negotiated Channel Arrangement for)	
First Round Digital Channel Election)	
)	
To: The Secretary		
Attn: Chief, Media Bureau		

PAXSON RESPONSE TO THE UNAUTHORIZED OPPOSITION OF IPT

Paxson Spokane License, Inc. ("Paxson"), licensee of television station KGPX(TV), Spokane, Washington (the "Station"), hereby responds to the unauthorized Opposition of Idaho Public Television ("IPT") ("Opposition") regarding the above-referenced channel election application. The opposition of IPT, a partner with the two other parties opposing this election -- Spokane Television, Inc. and Apple Valley Broadcasting, Inc. ("Apple Valley") -- in a 1998 DTV channel arrangement,¹ entirely is based upon false statements. Every meaningful statement in the Opposition is incorrect. To the extent the Commission accepts IPT's Opposition, Paxson hereby requests leave for an opportunity to respond.

Paxson will take IPT's false statements in turn. First, IPT explains that it waited nearly a month after its comments were due (and days before the NAB convention) as

¹ See Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, *Memorandum Opinion & Order of the Sixth Report & Order*, 13 FCC Rcd 7418, ¶¶ 228-233 (1998).

“necessary to correct the record” because the Station’s proposed election would cause “harmful interference” to K43GE and K42GT.² This is not true. As Paxson repeatedly has explained to IPT and others, it carefully engineered the proposed facilities to avoid creating harmful interference to other stations, including K43GE and K42GT. As IPT well knows, translators K43GE and K42GT would not be displaced by the Station’s proposed election. No harmful interference is predicted. Notwithstanding IPT’s false representation, IPT will not be adversely affected by grant of the Station’s proposed election, except that the Station’s improved service will legitimately increase broadcast competition.

IPT next disingenuously attempts to confuse the Commission by arguing that secondary services should be protected. Whether or not this sentiment is accurate, it is entirely irrelevant. Paxson’s election protects the secondary services of K43GE and K42GT.

IPT next states that “Paxson has arrogantly assumed the role of judge and jury to conclude that IPT’s objection is not “reasonable.””³ There is no factual dispute here, however. Just as Apple Valley did, **IPT is claiming harmful interference as a basis for objecting when no harmful interference is predicted.** It is reprehensible, not to mention ironic, for IPT to claim that Paxson is arrogant when IPT is falsely alleging harm.

IPT next states an additional objection by making the false claim that there is “no negotiated channel arrangement.”⁴ To the contrary, as the Commission already knows,

² Opposition at 1-2. K42GT is the call sign associated with the current K57CM.

³ Opposition at 2.

⁴ *Id.* at 4.

Paxson entered into a negotiated arrangement that has higher participation than practically all other NCAs. It is difficult to understand how IPT can claim to speak for the other stations who have signed the arrangement, but it certainly is on par with the other statements in its Opposition.

IPT lastly asserts that Paxson is “circumventing the rule making process” and that “Paxson elected not to [file a Petition for Rule Making].”⁵ False again, as IPT almost certainly knows. A simple review of the Commission’s public TV Data Base Query plainly indicates that Paxson filed such a Petition for Rule Making.⁶ Moreover, the Commission informally indicated that parties could elect unallotted channels, so, in a common refrain, IPT again is using a false statement to support an irrelevant argument.

PCC cannot fathom why IPT would wait nearly a month after the comment deadline to submit an embarrassing opposition that relies upon false statements to support every single point it attempts to make. Indeed, it is outright peculiar given that the false statements are so easily and irrefutably exposed. Undoubtedly, however, it would be contrary to the public interest to reward such repugnant and anti-competitive efforts by denying the Station’s proposed election. No party is adversely affected by the election. No party has reasonably objected. The Station entered into a valid NCA. And to prohibit the election of unallotted channels after broadcasters deferred to the second

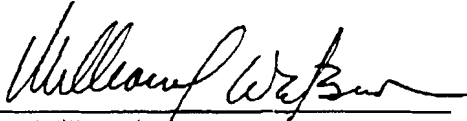
⁵ *Id.* at 4-5.

⁶ See FCC File No. BPRM-20040322AHM.

round in reliance thereof would be harmfully inequitable. Accordingly, Paxson urges the Commission to approve the Station's election.

Respectfully Submitted,

PAXSON SPOKANE LICENSE, INC.

By: 
William L. Watson
Secretary

Paxson Communications Corporation
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Dated: April 25, 2005

Certificate of Service

I, ~~CYNTHIA S. QUINN~~ certify that on this 25th day of April, 2005 I caused the foregoing Response to be served by overnight courier on the following:

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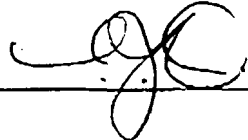
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